

# client assistance memo

## Master Use Permit Requirements for Administrative Conditional Use (in Residential Commercial and Commercial Zones)

September 2003

This Client Assistance Memo (CAM) summarizes the application requirements for an Administrative Conditional Use Permit in Residential Commercial and Commercial zones based upon specific criteria as set out in the Land Use Code (provisions of Subtitle IV, parts 2 and 3 of Title 23 of the Seattle Municipal Code).

Applications for an Administrative Conditional Use Permit are authorized according to the procedures for Master Use Permits and Council Land Use Actions as described in Chapter 23.76 of the Land Use Code.

### Criteria

A conditional use may be granted in Residential-Commercial and Commercial zones based upon the proposed use meeting general criteria as designated in the Land Use Code Section 23.46.006B (for the RC zone) and 23.47.006A (for Commercial zones). In addition, specific design and impact standards for specific uses are summarized in attachment "A" at the end of this document. Please review the standards applicable to your proposal and design all the required documentation for your application package to show how your proposal meets the standards.

### Plans Required

DPD requires 3 identical copies or sets of plans for an administrative conditional use. Plans should meet required size and scale as described in **CAM 106**

("General Standards for Plans and Drawings")\* and each set should have a DPD cover sheet. The intent of the plans is to clearly describe the existing and proposed development. The types of plans required include:

**PLOT PLAN**—All applications will require a detailed plot plan per the requirements of **CAM 103\*** ("Plot Plan Requirements") & **103A\*** ("Plot Plan Guidelines") describing the existing and proposed developments.

**ELEVATION PLANS**—Provide elevation views of structures showing height dimensions from existing or finished grade (whichever is lower) to the top of walls and all roof ridge lines.

**FLOOR PLANS(S)**—Provide floor plans showing the use of all floor area.

**VICINITY MAP**—A vicinity map may be required where criteria address surrounding structures and/or uses.

**LANDSCAPING AND SCREENING PLANS**—The placement of landscaping may enhance the compatibility of the proposed development with the surrounding area and mitigate adverse impacts. The quantity, placement and maintenance of landscaping is regulated by the Land Use Code and **Director's Rule 13-92.\*** Further information can be obtained from **CAM 234\*** ("Landscaping Information").

**TOPOGRAPHIC MAP**—A topographic map per the requirements of **CAM 103B\*** ("ECA Site Plan Requirements") will be required when the application includes construction components and/or is subject to the standards for Environmentally Critical Areas (25.09). Under conditions other than those stated above, the topographic map is optional, however, it may provide useful information to meet specific conditions or requirements, especially with regard to requested waivers and modifications.

**PARKING LOCATION AND ACCESS**—Provide information on parking location and vehicular access to the site on the plot plan. Calculations of required parking spaces and proposed spaces should be provided on the plans.

[www.seattle.gov/dpd](http://www.seattle.gov/dpd)



City of Seattle  
Department of Planning & Development

Gregory J. Nickels, Mayor

Diane Sugimura, Director

700 5th Avenue, Suite 2000  
P.O. Box 34019  
Seattle, WA 98124-4019  
(206) 684-8600

For a **checklist of the specific plan and application requirements for your project**, please visit our Applicant Services Center (ASC) and speak with a Land Use Planner. The ASC is located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave. HOURS: M/W/F, 7:30 am-5:30 pm; Tu/Th, 10:30 am-5:30 pm.

## Application Fees

Fees are due at the time you apply. They are charged in accordance with the fee schedule, which is established annually by the City Council in the Permit Fee Ordinance and is available on our website at **[www.seattle.gov/dpd/about/dpdfees.htm](http://www.seattle.gov/dpd/about/dpdfees.htm)**. Information on fees and procedural requirements is available by calling our Public Resource Center at (206) 684-8467.

## Application Instructions

1. For assistance with **specific Land Use Code questions related to your application**, you may:
  - meet with a Land Use Planner at the DPD Applicant Services Center (ASC), located on the 20th floor of Seattle Municipal Tower, 700 Fifth Ave.; or
  - submit your question online via our Land Use Q&A Service at **[www.seattle.gov/dpd/landuse](http://www.seattle.gov/dpd/landuse)** (click on "Questions?").
2. **Prior to Appointment**—In order to schedule an intake appointment you must have completed an **Address/Records Worksheet\*** and a **Pre-Application Site Visit Request Form.\*** You will receive a project number and a report from the site inspector.
3. **Apply by Appointment**—Administrative Conditional Use applications are filed with DPD by a scheduled appointment with a Land Use Planner at the ASC; call (206) 684-8850.
4. Complete the attached Administrative Conditional Use application form.
5. Prepare three sets of plans with cover sheets as indicated previously.
6. At your appointment, the fees will be collected along with your completed application and three sets of plans.
7. If environmental review is required under the State Environmental Policy Act (SEPA) (see **CAM 208,\*** "When Environmental Review is Required in Seattle"), the SEPA component must be reviewed in conjunc-

tion with the review of the Administrative Conditional Use application (Section 23.76.010D of the Land Use Code). A completed **SEPA Checklist\*** form will be required at the intake appointment along with the applicable fee.

8. DPD will determine within 28 working days of receiving your application whether it is complete, and will notify you in writing if it is not.

## Notice of Application

DPD will give notice of the application in the department's Land Use Information Service Bulletin (available online at **[www.seattle.gov/dpd/notices](http://www.seattle.gov/dpd/notices)**) and will post four placards on or near the development site. Additionally all properties within 300 feet of the subject site will receive mailed notice of the application.

The Land Use Information Service Bulletin, placards and 300 foot mailed notice initiate a 14-day comment period that may be extended for an additional 14 days if written request is received prior to the end of the initial 14-day comment period.

## Decisions

The grant or denial of an Administrative Conditional Use is regulated by the provisions of Section 23.76.004 of the Land Use Code.

When a conditional use is granted, conditions may be attached regarding the location, character and other features of a proposed structure or use as may be deemed necessary to carry out the spirit and purpose of the Land Use Code.

DPD will publish the decision and notify interested parties. Any person significantly affected by, or interested in, the decision of the Department may appeal. The appeal instructions are included with the notice of decision.

## Access to Information

Links to electronic versions of DPD **Client Assistance Memos (CAMs), forms, codes** and **Director's Rules** are available on the "Publications" and "Codes" pages of our website at **[www.seattle.gov/dpd](http://www.seattle.gov/dpd)**. Paper copies of these documents are available from our Public Resource Center, located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave. in downtown Seattle, (206) 684-8467.

CITY OF SEATTLE

# **Application Form for Administrative Conditional Use in Residential Commercial and Commercial Zones**

## **GENERAL DESCRIPTION**

1. What type of conditional use are you requesting? \_\_\_\_\_

*(Applicant - Please use one of the category headings from Attachment A. Examples: Single Purpose Residential Use, Drinking Establishment in a NC-2 Zone, etc)*

2. Is the proposal a new use? \_\_\_\_\_ or an expansion of an existing use? \_\_\_\_\_. If this is a new use, what is the existing use of the site or structure?

3. Describe the proposed project. Include specific details that explain the nature and use of the proposed development that are not included in your plans or in your responses to specific standards in attachment A.

## **SPECIFIC REQUIREMENTS**

On a separate sheet of paper, describe how your proposal meets the criteria or requirements shown on Attachment A for the specific type of conditional use you are requesting. Reference the criteria number for each response.

Attachment A is only a summary of Land Use Code requirements. Before completing this application, you should read the entire portion of the Code which is applicable to your proposal because you are responsible for ensuring that your application meets all Land Use Code requirements.

If you are requesting any waiver or modification to the development standards or criteria, please provide your reasons or justification for the waiver request.

If a presubmittal conference was conducted with a Land Use Planner, please attach a copy of the conference notes to this application.

# **Parking in a Residential Commercial (RC) Zone**

## **(ACCESSORY TO NONRESIDENTIAL USES IN ADJACENT COMMERCIAL ZONES)**

### **Land Use Code Section 23.46.006C**

*Please respond to each of the points listed below.*

#### **1. Purpose for the proposed parking**

- 1a. Is the proposed parking necessary to meet required parking for a use on an adjacent commercially zoned lot? Will the parking be used as a shared parking facility?
- 1b. Is the proposed parking necessary to avoid increased parking congestion in the neighboring commercial area? If yes, please explain and provide documentation if applicable.
- 1c. Is the proposed parking necessary to avoid creation or worsening of excessive spillover parking in adjacent residential areas? If yes, please explain.

#### **2. Other parking options**

- 2. Have you considered other parking options, including shared parking to meet parking demand? Have you found these options unavailable in the adjacent commercial area, making this application necessary? If so, explain.

#### **3. Traffic flow**

- 3. Describe the traffic flow for the proposed parking facility (illustrate on your plans if necessary). Explain how the parking would not encourage substantial traffic to pass through adjacent residential areas.

#### **4. Standards for proposed surface parking facility**

Please see Section 23.46.006C2 of the Land Use Code for specific development standards for surface parking facilities in a Residential Commercial zone.

## **Drinking Establishments in NC-1 and NC-2 Zones**

### **Land Use Code Section 23.47.006B2**

*Please respond to each of the points listed below.*

#### **1. Size and Design of the Structure**

- 1a. If this is an expansion of an existing drinking establishment, how much area is being added? (Plans should show calculations of gross area of existing and proposed use.)
- 1b. Describe how the size and design of the structure, signage, and illumination makes the business compatible with the commercial area and other structures in the vicinity?

#### **2. Parking**

2. Is the location, access and design of parking for the drinking establishment compatible with the adjacent residential zones?

#### **3. Noise**

3. The proposed locations of door or window openings in a drinking establishment may allow noise from the use to impact adjacent residential properties. Describe the measures you have taken to minimize the noise impact such as setbacks and openings facing lots which abut residential zones.

#### **4. Traffic**

4. How will you assure that the proposed use will not create traffic congestion or cause spillover parking on residential streets?

## **Park-and-ride Lots in NC-3, C1 and C2 Zones**

### **Land Use Code Section 23.47.006B3**

*Please respond to each of the points listed below.*

#### **1. Shared Parking**

1. Does the park-and-ride lot share parking with other uses? What are the business hours of the other uses? and of the Park and Ride?

#### **2. Mitigating Measures**

2. To provide comfort and safety for pedestrians and bicyclists and to insure the compatibility of the park-and-ride lot with the surrounding area, which of the following mitigating measures are proposed?
  - 1) landscaping and screening (in addition to that required for surface parking areas)
  - 2) noise mitigation
  - 3) vehicular access controls
  - 4) signage restrictions
  - 5) other measures
  - 6) bicycle parking

## **Single-Purpose Residential Structures in NC-1, NC-2, NC-2/R, NC-3, NC-3/R and C-1 Zones**

### **Land Use Code Section 23.47.006B4**

*Please respond to each of the points listed below.*

#### **1. Size or Location**

1. Please explain why the size or location of the proposed site is not suitable for commercial development.

#### **2. Availability of Land for Commercial Use**

- 2a. Provide evidence that there is a substantial excess of property available for commercial use near the proposed site. Evidence of such condition includes:
  - 1). lack of commercial activity in existing commercial structures for a sustained period,
  - 2). commercial structures in disrepair,
  - 3). vacant or unused commercially-zoned land.
- 2b. Does the street have an “established and consistent commercial street front” character? If so, describe how the design of the proposed residential development avoids interrupting the established commercial street front. (An established commercial street front may be intersected by streets or alleys and some lots with no current commercial use.)

## **Residential Uses in C-2 Zones**

### **Land Use Code Section 23.47.006B5**

*Please respond to each of the points listed below.*

#### **1. Availability of Suitable Land for C-2 Activities**

1. Why is the proposed site not suitable for commercial development due to terrain and small parcel size? (Show on the vicinity map all vacant land.)

#### **2. Relationship to Transportation Systems**

2. Describe the transportation systems available in the area of the proposed development.

#### **3. Compatibility with Surrounding Areas**

3. Explain how the residential use is compatible with the surrounding area.

## **Medical Service Use** (OVER 10,000 SQ.FT., OUTSIDE BUT WITHIN 2,500 FT. OF A MEDICAL MAJOR INSTITUTION OVERLAY DISTRICT BOUNDARY)

### **Land Use Code Section 23.47.006B8**

*Please respond to each of the points listed below.*

Unless the proposed development is included in an adopted master plan, the Director determines whether an adequate supply of commercially zoned land for businesses serving neighborhood residents will continue to exist after medical service use is established. The following factors are used in making this determination:

#### **1. Viability of the Commercial Area**

1. Describe how the existing and proposed medical service use maintains the viability and the longer-term potential neighborhood-serving character of the commercial area.

#### **2. Commercial Street Front**

- 2a. Would the proposed medical service use displace the existing neighborhood-serving commercial uses at street level? Explain.
- 2b. Would the proposed use disrupt a continuous commercial street front, particularly of retail and personal services uses? How would the proposed use enhance rather than detract from an area's overall neighborhood-serving commercial character?

## **Change of One Nonconforming Use to Another**

### **Land Use Code Section 23.47.006B9**

*Please respond to each of the points listed below.*

#### **1. Permitted Uses**

- 1a. What is the existing use? What is the proposed use?
- 1b. Is the proposed use one that is permitted in the next more intensive zone?

#### **2. Relative Impacts**

- 2a. Describe the characteristics of the existing use and proposed use such as size, parking, and the generation of traffic, light, glare, noise, and odor. Are they the same or different?
- 2b. Explain any measures that you propose to mitigate the effects of impacts the proposed use might generate.

#### **3. Impacts to Neighborhood Properties**

3. Explain how the new nonconforming use is no more detrimental to property in the zone and vicinity than the existing nonconforming use.

# **Minor and Major Telecommunication Utilities in Neighborhood Commercial and Commercial Zones**

## **Land Use Code Chapter 23.57**

**Read the following Land Use Code sections, as applicable to your project, and respond to each criterion:**

—for Minor Telecommunication Utilities in Neighborhood Commercial and Commercial zones, see Section 23.57.012.

—for Shared-use Major Communication Utilities in Commercial 1 and Commercial 2 zones, See Sections 23.57.005 and 23.57.007.